

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

ALENE CAIN

)
)
)
)
)

Case No.: 2:06cr79-VPM

UNOPPOSED MOTION TO CONTINUE TRIAL

NOW COMES the Defendant, Alene Cain, by and through undersigned counsel, Jennifer A. Hart, and pursuant to 18 U.S.C. §§3161(h)(2) and 3161(h)(8)(B)(I), respectfully moves this Court to continue the trial of this action from the present trial date of July 17, 2006, to allow for the final consideration/resolution of pretrial diversion in this matter. In support of this Motion, defendant would show:

1. Ms. Cain has been charged by indictment in this district with theft of government property in violation of 18 U.S.C. §641.
2. The Special Assistant United States Attorney has approved Ms. Cain for pretrial diversion.
3. This case will now be referred to the United States Probation Office for completion of the pretrial diversion "work up". Once the work up is completed, the government will file its Motion to Dismiss the Information.
4. Because prosecution will be deferred/diverted, pursuant to the agreement upon the final work up, it is in the interest of justice to continue trial in this matter so as to allow the parties more time to finalize Ms. Cain's diversion agreement. 18 U.S.C. §§ 3161(h)(2) and 3161(h)(8)(B)(I).

5. The Government, through Assistant United States Attorneys, Capt. Neal B. Frazier and Kent Brunson, has no opposition to the granting of a continuance.

WHEREFORE, defendant respectfully requests that this Motion be granted.

Respectfully submitted,

s/Jennifer A. Hart

JENNIFER A. HART

FEDERAL DEFENDERS

MIDDLE DISTRICT OF ALABAMA

201 Monroe Street, Suite 407

Montgomery, AL 36104

Phone: (334) 834-2099

Fax: (334) 834-0353

jennifer_hart@fd.org

AL Bar Code: HAR189

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kent Brunson, Esquire and Neal B. Frazier, Esquire.

Respectfully submitted,

s/Jennifer A. Hart

JENNIFER A. HART

FEDERAL DEFENDERS

MIDDLE DISTRICT OF ALABAMA

201 Monroe Street, Suite 407

Montgomery, AL 36104

Phone: (334) 834-2099

Fax: (334) 834-0353

jennifer_hart@fd.org

AL Bar Code: HAR189